

# HOUSE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
SIXTY-FIRST LEGISLATURE

FORTY-SIXTH LEGISLATIVE DAY  
THURSDAY, FEBRUARY 23, 2012

House of Representatives

The House convened at 10:30 a.m., the Speaker in the Chair.

Roll call showed 69 members present.

Absent and excused – Henderson. Total – 1.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Holly Monaghan, Page.

### Approval of Journal

February 23, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Forty-fifth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

### Consideration of Messages from the Governor and the Senate

OFFICE OF THE GOVERNOR  
Boise

February 22, 2012

The Honorable Lawrence Denney  
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House bill, to wit:

[H 384](#)

As Always – Idaho, "Esto Perpetua"  
/s/ C.L. "Butch" Otter  
Governor

February 22, 2012

Mr. Speaker:

I transmit herewith [SCR 116](#) and [S 1302](#) which have passed the Senate.

NOVAK, Secretary

[SCR 116](#) and [S 1302](#) were filed for first reading.

### Report of Standing Committees

February 23, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HCR 42](#), [HCR 43](#), [HCR 44](#), [H 580](#), [H 581](#), and [H 582](#).

WILLS, Chairman

[HCR 42](#) and [HCR 43](#) were filed for second reading.

[HCR 44](#) was referred to the Health and Welfare Committee.

[H 580](#) was referred to the Local Government Committee.

[H 581](#) and [H 582](#) were referred to the Revenue and Taxation Committee.

February 22, 2012

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [H 481](#) and recommend that it do pass.

NONINI, Chairman

[H 481](#) was filed for second reading.

February 22, 2012

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration [H 562](#) and report it back with amendments attached to be placed on General Orders for consideration.

LAKE, Chairman

[H 562](#) was placed on General Orders for consideration.

February 22, 2012

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, request that [H 569](#) be returned to the Desk for re-referral.

LOERTSCHER, Chairman

[H 569](#) was referred to the Health and Welfare committee.

February 22, 2012

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration [H 472](#) and recommend that it do pass.

PALMER, Chairman

[H 472](#) was filed for second reading.

February 22, 2012

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration [H 540](#) and report it back with amendments attached to be placed on General Orders for consideration.

PALMER, Chairman

[H 540](#) was placed on General Orders for consideration.

February 22, 2012

Mr. Speaker:

We, your COMMITTEE ON AGRICULTURAL AFFAIRS, report that we have had under consideration [H 513](#) and [S 1259](#) and recommend that they do pass.

ANDRUS, Chairman

[H 513](#) and [S 1259](#) were filed for second reading.

February 22, 2012

Mr. Speaker:

We, your COMMITTEE ON AGRICULTURAL AFFAIRS, report that we have had under consideration [H 512](#) and report it back with amendments attached to be placed on General Orders for consideration.

ANDRUS, Chairman

[H 512](#) was placed on General Orders for consideration.

February 22, 2012

Mr. Speaker:

We, your COMMITTEE ON LOCAL GOVERNMENT, report that we have had under consideration [H 561](#) and recommend that it do pass.

BARRETT, Chairman

[H 561](#) was filed for second reading.

February 22, 2012

Mr. Speaker:

We, your COMMITTEE ON ENVIRONMENT, ENERGY, AND TECHNOLOGY, report that we have had under consideration [SCR 115](#) and recommend that it do pass.

RAYBOULD, Chairman

[SCR 115](#) was filed for second reading.

February 22, 2012

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration [H 503](#) and [H 555](#) and recommend that they do pass.

MCGEACHIN, Chairman

[H 503](#) and [H 555](#) were filed for second reading.

February 22, 2012

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration [H 502](#) and report it back with amendments attached to be placed on General Orders for consideration.

MCGEACHIN, Chairman

[H 502](#) was placed on General Orders for consideration.

February 23, 2012

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [H 564](#) and report it back with amendments attached to be placed on General Orders for consideration.

NONINI, Chairman

[H 564](#) was placed on General Orders for consideration.

There being no objection, the House advanced to the Seventh Order of Business.

#### **Motions, Memorials, and Resolutions**

#### **HOUSE CONCURRENT RESOLUTION NO. 45 BY EDUCATION COMMITTEE**

##### **A CONCURRENT RESOLUTION**

STATING FINDINGS OF THE LEGISLATURE AND ENCOURAGING THE PROVIDERS OF HEALTH INSURANCE IN IDAHO TO DEVELOP THEIR OWN

INSURANCE EXCHANGE AS PART OF THE SOLUTION TO HEALTH INSURANCE COSTS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Patient Protection and Affordable Care Act, as amended by the Health Care and Education Reconciliation Act of 2010, comprises comprehensive federal health care reform legislation, which is commonly referred to as the Affordable Care Act; and

WHEREAS, the Affordable Care Act is increasing health care costs, raising taxes, negatively affecting senior citizens, reducing the quality of care that Americans are receiving, limiting consumer choice in accessing private health insurance and reducing the ability of American companies to compete; and

WHEREAS, the Affordable Care Act constrains the freedom of individuals to choose their own doctor and interferes with individuals' ability to make personal health care decisions; and

WHEREAS, the Affordable Care Act seeks to force states to implement government-owned health insurance exchanges, dismissing private sector innovations and solutions; and

WHEREAS, a state health insurance exchange created pursuant to the Affordable Care Act would strip the state of its sovereignty over health insurance matters; and

WHEREAS, a government health insurance exchange will cost consumers and taxpayers millions of dollars to set up and operate; and

WHEREAS, the solutions to the challenges facing our country generally spring forward from the private sector and through a robust free-market economic system; and

WHEREAS, companies and organizations in the free market have already created websites and services allowing consumers to pool resources for lower premiums and compare insurance products, prices and coverages at no cost to taxpayers.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that the providers of health insurance in Idaho are encouraged to establish their own private health insurance exchange as part of the solution to the rising costs of health insurance.

[HCR 45](#) was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[SCR 116](#), by State Affairs Committee, was introduced, read the first time by title, and referred to the Environment, Energy, and Technology Committee.

#### **Introduction, First Reading, and Reference of Bills and Joint Resolutions**

#### **HOUSE BILL NO. 583 BY REVENUE AND TAXATION COMMITTEE AN ACT**

RELATING TO HIGHWAYS AND BRIDGES; AMENDING SECTION 40-102, IDAHO CODE, TO PROVIDE FOR A DEFINITION OF "ACCESS EASEMENT"; AND DECLARING AN EMERGENCY.

#### **HOUSE BILL NO. 584 BY REVENUE AND TAXATION COMMITTEE AN ACT**

RELATING TO PROPERTY TAXATION; AMENDING SECTION 63-602G, IDAHO CODE, TO PROVIDE FOR CONTINUATION OF THE HOMESTEAD EXEMPTION FOR A TIME CERTAIN UPON THE OWNER'S, BENEFICIARY'S, PARTNER'S, MEMBER'S OR SHAREHOLDER'S DEATH;

DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

**HOUSE BILL NO. 585**  
**BY REVENUE AND TAXATION COMMITTEE**

AN ACT

RELATING TO REVENUE AND TAXATION; AMENDING CHAPTER 13, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-1305A, IDAHO CODE, TO ESTABLISH PROVISIONS PROVIDING THAT CERTAIN TAXING DISTRICTS MAY CERTIFY A BUDGET REQUEST IN EXCESS OF CERTAIN LIMITATIONS FOR THE PURPOSE OF PAYING A FINAL JUDGMENT, TO PROVIDE FOR CERTAIN CONDITIONS, TO ESTABLISH PROVISIONS RELATING TO THE APPLICATION OF LAW AND THE METHOD OF PAYMENT, TO PROVIDE FOR RULES AND TO ESTABLISH PROVISIONS RELATING TO A LIMITATION; AMENDING SECTION 50-2908, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO LEVIES FOR PAYMENT OF CERTAIN JUDGMENTS, TO PROVIDE CORRECT CODE REFERENCES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 63-803, IDAHO CODE, TO REVISE A CODE REFERENCE; AMENDING SECTION 63-811, IDAHO CODE, TO REVISE A CODE REFERENCE; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

**HOUSE BILL NO. 586**  
**BY STATE AFFAIRS COMMITTEE**

AN ACT

RELATING TO RULES OF THE ROAD; AMENDING SECTION 49-631, IDAHO CODE, TO PROVIDE PROVISIONS RELATING TO A DRIVER PASSING A BICYCLE, OTHER HUMAN-POWERED VEHICLE, PEDESTRIAN, RUNNER, PERSON ON HORSEBACK OR OTHER HUMAN- OR ANIMAL-POWERED VEHICLES INCLUDING WHEELCHAIRS IN THE SAME DIRECTION AND IN THE SAME LANE WHEN THERE IS ONCOMING TRAFFIC AND TO PROVIDE THAT SUCH DRIVER SHALL ALLOW ONCOMING VEHICLES AT LEAST ONE-HALF THE MAIN TRAVELED PORTION OF THE ROADWAY AND TO ALLOW THE BICYCLE, OTHER HUMAN-POWERED VEHICLE, PEDESTRIAN, RUNNER, PERSON ON HORSEBACK OR OTHER HUMAN- OR ANIMAL-POWERED VEHICLES INCLUDING WHEELCHAIRS AT LEAST A THREE FOOT SEPARATION, TO PROVIDE THAT A PEDESTRIAN OR THE OPERATOR OF A BICYCLE, OTHER HUMAN-POWERED VEHICLE, PEDESTRIAN, RUNNER, PERSON ON HORSEBACK OR OTHER HUMAN- OR ANIMAL-POWERED VEHICLES INCLUDING WHEELCHAIRS SHALL TURN OFF OR STEP OFF THE ROADWAY TO ALLOW FOLLOWING VEHICLES TO PASS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 49-632, IDAHO CODE, TO PROVIDE PROVISIONS RELATING TO THE OVERTAKING AND PASSING OF A BICYCLE, OTHER HUMAN-POWERED VEHICLE, PEDESTRIAN, RUNNER, PERSON ON HORSEBACK OR OTHER HUMAN- OR ANIMAL-POWERED VEHICLES INCLUDING WHEELCHAIRS PROCEEDING IN THE SAME DIRECTION, TO CLARIFY LANGUAGE, TO PROVIDE THAT THE DRIVER OF A VEHICLE OVERTAKING A BICYCLE, OTHER HUMAN-POWERED VEHICLE, PEDESTRIAN, RUNNER, PERSON ON HORSEBACK OR OTHER HUMAN- OR ANIMAL-POWERED VEHICLES INCLUDING WHEELCHAIRS SHALL PASS AT A SAFE DISTANCE OF

NOT LESS THAN THREE FEET TO THE LEFT, TO PROVIDE THAT THE DRIVER OF A VEHICLE OVERTAKING A BICYCLE, OTHER HUMAN-POWERED VEHICLE, PEDESTRIAN, RUNNER, PERSON ON HORSEBACK OR OTHER HUMAN- OR ANIMAL-POWERED VEHICLES INCLUDING WHEELCHAIRS SHALL NOT MAKE A RIGHT TURN UNTIL SAFELY PAST, TO PROVIDE THAT A PEDESTRIAN OR THE OPERATOR OF A BICYCLE, OTHER HUMAN-POWERED VEHICLE, PEDESTRIAN, RUNNER, PERSON ON HORSEBACK OR OTHER HUMAN- OR ANIMAL-POWERED VEHICLES INCLUDING WHEELCHAIRS SHALL TURN OFF OR STEP OFF THE ROADWAY TO ALLOW FOLLOWING VEHICLES TO PASS; AMENDING SECTION 49-633, IDAHO CODE, TO PROVIDE THAT THE DRIVER OF A MOTOR VEHICLE UPON A ONE-WAY ROADWAY WITH TWO OR MORE MARKED TRAFFIC LANES, WHEN OVERTAKING A BICYCLE, OTHER HUMAN-POWERED VEHICLE, PEDESTRIAN, RUNNER, PERSON ON HORSEBACK OR OTHER HUMAN- OR ANIMAL-POWERED VEHICLES INCLUDING WHEELCHAIRS PROCEEDING IN THE SAME DIRECTION, SHALL ALLOW A THREE FOOT SEPARATION BETWEEN THE LEFT SIDE OF THE DRIVER'S VEHICLE AND THE RIGHT SIDE OF THE BICYCLE, OTHER HUMAN-POWERED VEHICLE, PEDESTRIAN, RUNNER, PERSON ON HORSEBACK OR OTHER HUMAN- OR ANIMAL-POWERED VEHICLES INCLUDING WHEELCHAIRS, AND TO PROVIDE THAT A PEDESTRIAN OR THE OPERATOR OF A BICYCLE, OTHER HUMAN-POWERED VEHICLE, PEDESTRIAN, RUNNER, PERSON ON HORSEBACK OR OTHER HUMAN- OR ANIMAL-POWERED VEHICLES INCLUDING WHEELCHAIRS SHALL TURN OFF OR STEP OFF THE ROADWAY TO ALLOW FOLLOWING VEHICLES TO PASS; AND AMENDING SECTION 49-634, IDAHO CODE, TO PROVIDE THAT CERTAIN PROVISIONS SHALL NOT APPLY TO THE DRIVER OF A VEHICLE PASSING A BICYCLE, OTHER HUMAN-POWERED VEHICLE, PEDESTRIAN, RUNNER, PERSON ON HORSEBACK OR OTHER HUMAN- OR ANIMAL-POWERED VEHICLES INCLUDING WHEELCHAIRS IN CERTAIN SITUATIONS WHEN PASSING CAN BE MADE IN SAFETY.

**HOUSE BILL NO. 587**  
**BY STATE AFFAIRS COMMITTEE**

AN ACT

RELATING TO AUTHORIZATION FOR OUT-OF-STATE INSURERS; AMENDING SECTION 41-305, IDAHO CODE, TO DELETE REFERENCE TO OUT-OF-STATE INSURERS; AMENDING SECTION 41-306, IDAHO CODE, TO PROVIDE EXCEPTIONS TO CERTIFICATE OF AUTHORITY REQUIREMENTS FOR CERTAIN OUT-OF-STATE INSURERS AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 3, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-306A, IDAHO CODE, TO PROVIDE FOR INTERSTATE INSURANCE SALES, TO AUTHORIZE THE DIRECTOR TO DETERMINE IF PLANS SATISFY REQUIREMENTS, TO PROVIDE FOR LANGUAGE TO BE INCLUDED IN PLANS SOLD, TO PROVIDE FOR COMPLIANCE WITH IDAHO CODE ON PREMIUM TAX AND TO AUTHORIZE THE DEPARTMENT TO ADOPT AND PROMULGATE RULES; AMENDING CHAPTER 5, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-515, IDAHO CODE, TO DEFINE A TERM; AND PROVIDING SEVERABILITY.

[H 583](#), [H 584](#), [H 585](#), [H 586](#), and [H 587](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1302](#), by Agricultural Affairs Committee, was introduced, read the first time by title, and referred to the Agricultural Affairs Committee.

[S 1274](#), held at the Desk February 22, 2012, was referred to the Transportation and Defense Committee.

There being no objection, the House advanced to the Tenth Order of Business.

### Second Reading of Bills and Joint Resolutions

[HCR 39](#), by Education Committee, was read the second time by title and filed for third reading.

[H 574](#), by Appropriations Committee, was read the second time by title and filed for third reading.

[H 489](#), by Revenue and Taxation Committee, was read the second time by title and filed for third reading.

[H 457](#), [H 459](#), [H 461](#), [H 525](#), and [H 543](#), by Resources and Conservation Committee, were read the second time by title and filed for third reading.

[S 1214](#), [S 1263](#), and [S 1272](#), by Judiciary and Rules Committee, were read the second time by title and filed for third reading.

[H 546](#), by Commerce and Human Resources Committee, was read the second time by title and filed for third reading.

[H 536](#), by State Affairs Committee, was read the second time by title and filed for third reading.

### Third Reading of Bills and Joint Resolutions

#### [H 396](#) - WATER - RATHDRUM PRAIRIE AQUIFER

[H 396](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Stevenson to open debate.

The question being, "Shall [H 396](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, Nessel, Nielsen, Nonini, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 61.

NAYS – Barbieri, Barrett, Boyle, Harwood, McMillan, Moyle, Palmer. Total – 7.

Absent and excused – Henderson, Wood(35). Total – 2.  
Total – 70.

Whereupon the Speaker declared that [H 396](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

#### [H 499](#) - SCHOOL BUILDING MAINTENANCE

[H 499](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Chew to open debate.

The question being, "Shall [H 499](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Lacey, Lake, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Henderson, Loertscher. Total – 2.  
Total – 70.

Whereupon the Speaker declared that [H 499](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mrs. Ellsworth asked unanimous consent that Rule 70, with the exception of smoking, be suspended for the balance of the remainder of session. Mr. Bateman objected.

#### [H 480](#) - PARKING METERS

[H 480](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Palmer to open debate.

The question being, "Shall [H 480](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block, Bolz, Boyle, Collins, Crane, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Loertscher, McMillan, Moyle, Nessel, Nielsen, Palmer, Perry, Raybould, Roberts, Schaefer, Shepherd, Shirley, Simpson, Sims, Stevenson, Thayne, Thompson, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 41.

NAYS – Barbieri, Black, Buckner-Webb, Burgoyne, Chadderdon, Chew, Cronin, DeMordaunt, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Lacey, Lake, Luker, Marriott, McGeachin, Patrick, Pence, Ringo, Rusche, Smith(30), Smith(24), Trail. Total – 27.

Absent and excused – Henderson, Nonini. Total – 2.  
Total – 70.

Whereupon the Speaker declared that [H 480](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

#### [H 519](#) - SITE IMPROVEMENTS

[H 519](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Hartgen to open debate.

Pursuant to Rule 38(3), Mr. Burgoyne disclosed a conflict of interest regarding [H 519](#).

The question being, "Shall [H 519](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Chadderdon, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Perry, Raybould, Roberts, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 57.

NAYS – Buckner-Webb, Burgoyne, Chew, Cronin, Higgins, Jaquet, Killen, King, Pence, Ringo, Rusche, Trail. Total – 12.

Absent and excused – Henderson. Total – 1.  
Total – 70.

Whereupon the Speaker declared that [H 519](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

#### [H 452](#) - BOND ELECTIONS

[H 452](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Simpson to open debate.

The question being, "Shall [H 452](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Henderson, Smith(24). Total – 2.  
Total – 70.

Whereupon the Speaker declared that [H 452](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

#### [H 521](#) - EDUCATION

[H 521](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bateman to open debate.

The question being, "Shall [H 521](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle,

Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Henderson, Smith(24). Total – 2.  
Total – 70.

Whereupon the Speaker declared that [H 521](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

#### [H 482](#) - CAPITAL AND SURPLUS REPORT

[H 482](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Buckner-Webb to open debate.

The question being, "Shall [H 482](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Henderson, Smith(24). Total – 2.  
Total – 70.

Whereupon the Speaker declared that [H 482](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

#### [H 484](#) - COMMUNITY GUARDIAN BOARDS

[H 484](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Trail to open debate.

The question being, "Shall [H 484](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 69.

NAYS – None.



Absent and excused – Henderson. Total – 1.  
Total – 70.

Whereupon the Speaker declared that [H 484](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

#### **[H 500](#) - OCCUPATIONAL THERAPY**

[H 500](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Thayn to open debate.

The question being, "Shall [H 500](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 69.

NAYS – None.

Absent and excused – Henderson. Total – 1.  
Total – 70.

Whereupon the Speaker declared that [H 500](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the House recess until 1:15 p.m.

Without objection, the Speaker declared the House at recess until 1:15 p.m.

#### **RECESS Afternoon Session**

The House reconvened at 1:15 p.m., the Speaker in the Chair.

Prior to recess, the House was at the Eleventh Order of Business.

Mr. Bateman asked unanimous consent that Rule 70, with the exception of smoking and proper attire, be suspended for the balance of the remainder of session. There being no objection, it was so ordered.

#### **[H 501](#) - COUNSELORS AND THERAPISTS**

[H 501](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Chew to open debate.

The question being, "Shall [H 501](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher,

Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Bayer, Buckner-Webb, Henderson.  
Total – 3.

Total – 70.

Whereupon the Speaker declared that [H 501](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

#### **[H 534](#) - EDUCATION**

[H 534](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Shirley to open debate.

The question being, "Shall [H 534](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Buckner-Webb, Henderson. Total – 2.  
Total – 70.

Whereupon the Speaker declared that [H 534](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

#### **[HCR 36](#) - STEVEN R. APPLETON**

[HCR 36](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Palmer to open debate.

The question being, "Shall [HCR 36](#) be adopted?"

Whereupon the Speaker declared [HCR 36](#) adopted by voice vote and ordered the resolution transmitted to the Senate.

Mr. Moyle asked unanimous consent that [HJM 10](#) be placed at the top of the Third Reading Calendar. There being no objection, it was so ordered.

#### **[HJM 10](#) - RESPECT FOR RIGHTS OF CONSCIENCE ACT**

[HJM 10](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bilbao to open debate.

At this time, Mr. Moyle took the Chair.

The question being, "Shall [HJM 10](#) be adopted?"

Roll call resulted as follows:

AYES – Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Chadderdon, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Perry, Raybould, Roberts, Schaefer, Shepherd, Shirley, Simpson, Sims, Stevenson, Thayne, Thompson, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 53.

NAYS – Buckner-Webb, Burgoyne, Chew, Cronin, Higgins, Jaquet, Killen, King, Lacey, Pence, Ringo, Rusche, Smith(30), Smith(24), Trail. Total – 15.

Absent and excused – Anderson, Henderson. Total – 2.

Paired Votes:

AYE -- Roberts                      NAY -- Buckner-Webb

(Pairs enumerated in roll call above.)

Total – 70.

Whereupon the Speaker Pro Tem declared [HJM 10](#) adopted and ordered the memorial transmitted to the Senate.

Mr. Bedke asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one legislative day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

#### **Adjournment**

Mr. Bedke moved that the House adjourn until 10:30 a.m., Friday, February 24, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker Pro Tem declared the House adjourned at 1:56 p.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk